

THE HON'BLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION No.18648 of 2015

ORDER:

This writ petition is filed for a Writ of Mandamus declaring the action of the respondents 2 and 5 in seizing the vehicles of the petitioners bearing Nos.AP 13 X 4919 and AP 29 U 2169 without following any procedure under statutes contemplated under Section 9Q sub-Section 7 of the A.P. Minor Mineral Concession Rules 1966, as illegal and arbitrary and against the principles of natural justice and for a consequential direction to the respondents to give interim custody of the said vehicles to the petitioners forthwith.

It is represented by the learned counsel for the petitioners that in similar circumstances, this Court has disposed of W.P.No.3747 of 2015 on 23-02-2015 giving certain directions and that the present case is covered by the said judgment, which is not disputed by the learned Assistant Government Pleader for Panchayat Raj (Telangana), Assistant Government Pleader for Revenue and Assistant Government Pleader for Home.

In view of the said representation, following the said judgment, the writ petition is disposed of directing the petitioners herein to submit applications for release of the vehicles before the competent authority and the competent authority, within three days from the date of receipt of such applications, examine whether the vehicles are used in committing the offence for the first and second time; and if so, consider directing release of the vehicles

on payment of the prescribed penalty. If, on the other hand, the vehicles are found to have been used in commission of the offence, for three or more times, the officer concerned shall consider directing release of the vehicles after deposit of amount in accordance with Rule-12 of G.O.Ms.No.15, dated 19-02-2015 and also on execution of bond along with an affidavit giving consent to produce the seized vehicles as and when required.

Accordingly, the writ petition is disposed of. As a sequel thereto, miscellaneous applications, if any pending in the writ petition, shall stand closed. There shall be no order as to cost.

The Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

A.V. SESA SAI, J

June 24, 2015

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THE HON'BLE SRI JUSTICE A.V. SESA SAI

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